



Missouri Sentencing Advisory Commission

SMART SENTENCING

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PATTERNS OF GROWTH IN MISSOURI'S INCARCERATED POPULATION

National trends in the growth of the incarcerated population are attributable in part to truth-in-sentencing legislation. Such legislation was passed to ensure that offenders would serve a substantial portion of their sentences in prison. As an incentive to adopt truth-in-sentencing laws, the federal government offered special funding in the early 1990's to help states build or expand correctional facilities or provide institutional services.¹

Some of the significant increase in the correctional population can be attributed to this enabling legislation and funding. Nationally, one in 100 individuals is now incarcerated.²

Missouri's Truth-in-Sentencing Act, Senate Bill 768, became effective August 28, 1994. It required

certain serious violent offenders (who have committed dangerous felonies) to serve 85 percent of their sentences before becoming eligible for parole. It also

IN MISSOURI, ONE IN 97 INDIVIDUALS IS INCARCERATED.

mandated minimum prison terms for offenders who previously had been incarcerated in the Missouri Department of Corrections. One would expect that the proportion of incarcerated violent offenders would increase relative to nonviolent offenders as a consequence of longer periods of imprisonment under the act. Since the passage of Missouri's Truth-in-Sentencing Act, the proportion of incarcerated nonviolent offenders has actually increased.

While a proportional change from 46 to 47 percent is not statistically significant, it is noteworthy, given the expectation that the proportion of violent offenders would increase as a result of the legislation. [Note: Since 2006, the percent of nonviolent offenders in prison has declined in part because of the decrease in drug admissions.]

¹Ditton, P. & Wilson, D. (1999). Truth in sentencing in state prisons. Special Report, Bureau of Justice Statistics, Washington, DC: U.S. Dept. of Justice, NCJ 170032. Accessed on the Web April 13, 2009, at <http://www.ojp.usdoj.gov/bjs/public/pdf/tssp.pdf>.

²Pew Center on the States. (2008). One in 100: Behind Bars in America 2008. Public Safety Performance Report, Washington, D.C: Pew Charitable Trusts. Accessed on the web April 13, 2009, at <http://www.pewcenteronthestates.org/uploadedFiles/One%20in%20100.pdf>

NOTE:

The Sentencing Advisory Commission has launched this periodic bulletin to keep judicial decision-makers current as to the latest information related to sentencing practices and their impacts.

The purpose of this bulletin is to highlight trends in sentencing patterns among violent and non-violent offenders.

The bulletin is being distributed to judges, prosecutors, public defenders, probation officers and the public via email and on the SAC Website: www.mosac.mo.gov

Comments and suggestions are welcome and should be sent to: smart.sentencing@courts.mo.gov

MISSOURI WAS ONE OF THE ORIGINAL STATES THAT CHANGED ITS SENTENCING LEGISLATION TO COMPLY WITH FEDERAL TRUTH-IN-SENTENCING LAWS.

CHANGES IN THE INCARCERATION POPULATION IN MISSOURI

	June 1994	December 2008
Violent offenders*	8,845	16,023
Nonviolent offenders	7,462	14,392
Total prison population	16,307	30,415
Percent nonviolent	46 %	47 %

*INCLUDES SEX AND CHILD ABUSE OFFENDERS

SOURCE: MISSOURI DEPARTMENT OF CORRECTIONS

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Is dedicated to supporting public safety, fairness, and effectiveness in criminal sentencing

WHAT IS DRIVING THE INCREASE IN THE NON-VIOLENT PRISON POPULATION?

Missouri's Truth-in-Sentencing Act also required persistent offenders (excluding drug offenders) to serve mandatory minimum prison terms (40 percent for one prior prison incarceration, 50 percent for two and 80 percent for three or more incarcerations). In 2008, 31 percent of offenders admitted to prison with a new sentence were required to serve a minimum prison term, but overall, the persistent offender requirement has not reduced the proportion of first-time nonviolent offenders in prison. In 2008, 53 percent of nonviolent incarcerated offenders had no prior felony convictions, compared with 51 percent in 1994.

Further analysis suggests that

three factors, other than truth-in-sentencing mandates have impacted the incarceration of first-time nonviolent offenders:

1. Truth-in-sentencing legislation has affected more than mandated minimum prison terms. Truth-in-sentencing philosophy changed the expectations of many parole boards regarding prison time for offenders not affected by the legislation. In Missouri, the average time served by nonviolent offenders with no prior prison incarcerations increased

from 18 months in 1994 to 23 months in 2002.

2. Closer examination of the incarceration histories of non-violent offenders indicates prior incarcerations have been driven by probation and parole revocations, a topic for a future bulletin.

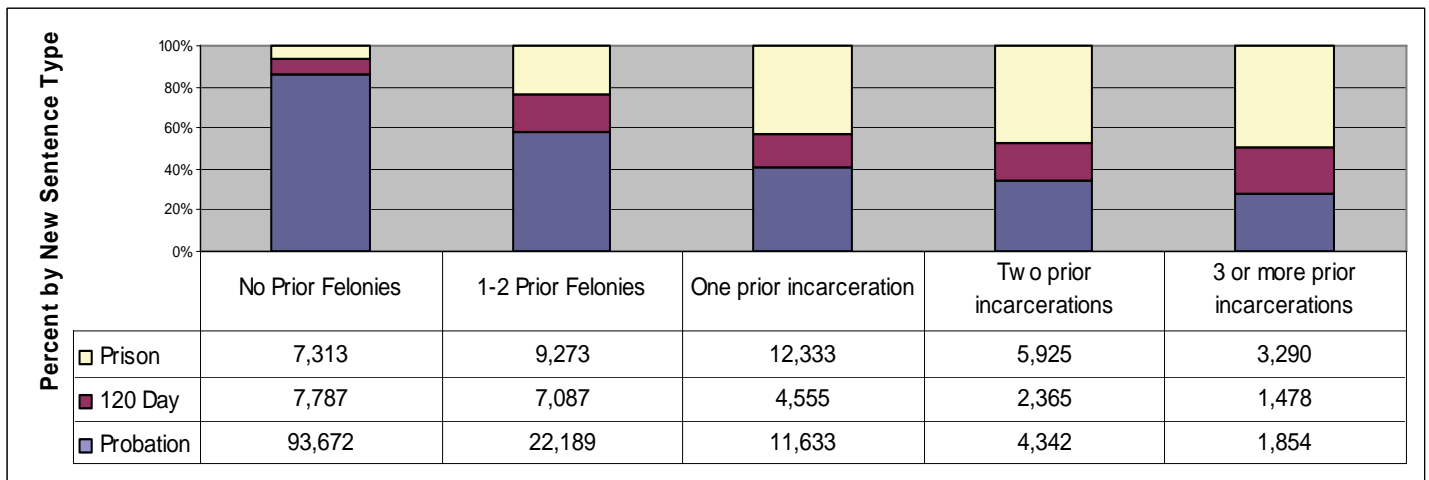
3. Between 1994 and 2008, the composition of incarcerated, nonviolent offenders shifted increasingly to drug offenders, a group exempt from the persistent offender stipulation.

IN 2003, THE MISSOURI BOARD OF PROBATION AND PAROLE BEGAN USING AN IMPROVED RISK ASSESSMENT IN SETTING PAROLE RELEASE CRITERIA. SINCE THEN, THE TIME SERVED BY NONVIOLENT OFFENDERS WITH NO MINIMUM PRISON TERMS HAS BEEN REDUCED TO LEVELS PRECEDING TRUTH-IN-SENTENCING LEGISLATION.

Prior Offenses Among the Nonviolent Incarcerated Population

	June 1994	December 2008
No prior felony convictions	3,823	7,638
As percent of all nonviolent offenders	51 %	53 %

SENTENCING PATTERNS OF NONVIOLENT OFFENDERS



Source: Missouri Department of Correction

Missouri's Truth-in-Sentencing Act included mandatory requirements for both violent and persistent offenders. As the above chart indicates, among nonviolent offenders, persistent offenders are the most likely to serve a sentence in prison. Those who previously

have been incarcerated are likely to be re-incarcerated regardless of number of prior incarcerations. The 120-day shock incarceration program is a third option used most often with those who have little or no prior incarceration experience. It serves as a step between

community supervision and longer term incarceration.

The next bulletin will examine the impact of these three sentence dispositions on offender behavior, and particularly on recidivism rates.

Contributors: David Oldfield, Department of Corrections; Anne Janku and Robert Monzyk, Office of State Courts Administrator.